

House of Representatives, March 6, 1998. The Committee on Labor and Public Employees reported through REP. DONOVAN, 84th DIST., Chairman of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING NOTICE OF CLAIMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subsection (c) of section 31-294c of the
2 general statutes is repealed and the following is
3 substituted in lieu thereof:

4 (c) Failure to provide a notice of claim
5 under subsection (a) of this section shall not bar
6 maintenance of the proceedings if there has been a
7 hearing or a written request for a hearing or an
8 assignment for a hearing within a one-year period
9 from the date of the accident or within a
10 three-year period from the first manifestation of
11 a symptom of the occupational disease, as the case
12 may be, or if a voluntary agreement has been
13 submitted within the applicable period, or if
14 within the applicable period an employee has been
15 furnished, for the injury with respect to which
16 compensation is claimed, with medical or surgical
17 care as provided in section 31-294d OR IN THE CASE
18 OF A DEPENDENT SURVIVOR'S CLAIM FOR BENEFITS UNDER
19 SECTION 31-306, AS AMENDED, AS A RESULT OF DEATH
20 ARISING FROM AN INJURY, IF THE DECEDENT FILED
21 TIMELY NOTICE OF A CLAIM FOR BENEFITS FOR THE
22 INJURY UNDER THIS SECTION PRIOR TO HIS DEATH. No
23 defect or inaccuracy of notice of claim shall bar

24 maintenance of proceedings unless the employer
25 shows that he was ignorant of the facts concerning
26 the personal injury and was prejudiced by the
27 defect or inaccuracy of the notice. Upon
28 satisfactory showing of ignorance and prejudice,
29 the employer shall receive allowance to the extent
30 of the prejudice.

31 LAB COMMITTEE VOTE: YEA 7 NAY 3 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER HB 5076

STATE IMPACT	Potential	Minimal	Cost,	see
	explanation	below		

MUNICIPAL IMPACT	Potential	Minimal	Cost,	see
	explanation	below		

STATE AGENCY(S)	Various
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EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: The passage of this bill could result in additional costs to the State and municipalities that are anticipated to be minimal. The bill adds a new exception to the deadline for filing a dependent survivor's claim for workers' compensation benefits. This could result in a small increase in the number of persons who would be able to receive dependent survivor's benefits. In addition, the State and municipalities have a lower occupational disease and accident death rate than most companies in the private sector.

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OLR BILL ANALYSIS

HB 5076

AN ACT CONCERNING NOTICE OF CLAIMS

SUMMARY: This bill allows a person to claim dependent survivor's benefits for a work-related death without filing a new claim notice if the deceased worker filed a timely claim for benefits for the same injury before he died.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION

Claim Notice Requirements

An injured worker has one year from the accident date or three years from the first manifestation of an occupational disease to file a workers' compensation claim. A dependent survivor must file a claim for benefits for a work-related death within two years of the accident or first manifestation of the occupational disease that caused the death, or within one year of the death, whichever is later. There are currently three exceptions to these deadlines. This bill adds a fourth.

A worker's compensation claim may currently be pursued without timely written notice if:

1. a hearing before the commissioner has been requested in writing, assigned, or held within the specified time for filing a claim;
2. the parties have signed a voluntary agreement and submitted it to the commissioner for approval within the required time; or
3. the employer furnishes medical care to the employee for the injury within the required time.

BACKGROUND

Related Decision

In 1994, the Workers' Compensation Review Board dismissed a dependent widow's claim for benefits for her husband's death from occupational lung cancer, despite his having filed a timely claim for total disability benefits for the disease before he died. The board dismissed the claim because she failed to file a separate, written claim for fatality benefits within the statutory time limit (Sellew v. Northeast Utilities, 12 Conn. Workers' Comp. Rev. Op. 135). The board is the highest level of administrative appeal for workers' compensation claims.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Report
Yea 7 Nay 3